

REMARKS

1. Status of Claims

Claims 1-11 and 23-34 were pending in the Application. Applicants have amended claims 1, 23 and 28-30 without prejudice or disclaimer. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 1-11 and 23-34 will remain pending in the application.

2. Rejections under 35 USC § 103(a)

Claims 1, 4-11, 23 and 26-34 are in the case and stand rejected under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent Application Publication No. 2005/0177437A1 by Ferrier ("Ferrier '437") in view of U.S. Patent Application Publication No. 2002/0120475A1 by Morimoto ("Morimoto '475") and further in view of U.S. Patent Application Publication No. 2003/0144871A1 by Turbeville, et al. ("Turbeville '871").

Applicants respectfully disagree with the rejection. However, solely in order to expedite prosecution, Applicants have amended independent claims 1 and 23 to recite further elements regarding timing of receipt of debit information and debit authorization. Accordingly, the rejection is moot.

Independent claim 1 as amended recites:

1. A computer implemented method for authorizing payment upon delivery of an item to a destination comprising:
 - registering each one of a plurality of receiving parties with a transaction module in the computer;
 - registering each one of a plurality of sending parties with the transaction module in the computer;
 - generating a shipment tracking identifier for use with a shipping system;
 - generating a shipping label for use in delivering the item including the shipment tracking identifier for use with a shipping system;
 - associating the shipment tracking identifier with a particular sending party, a particular receiving party and the item using the computer;

obtaining debit information that is authorized to use for payment of the item and associated with a selected account from the particular sending party;

storing data relating to the identifier, the debit information and the particular sending party in the transaction module in the computer; then, obtaining shipment tracking identifier data at a destination location from the shipping system indicating that the item has arrived at the destination;

correlating the shipment tracking identifier data to the particular sending party and the item using the computer; and

then, using the computer, obtaining the previously stored debit information and authorizing a debit associated with the item from [[a]] the selected account associated with the particular receiving party to a selected account of the particular sending party.

(emphasis added).

Applicants acknowledge the Examiner's statement that no Official Notice is intended in the Office Action. Accordingly, there is no need for the Applicants to dispute any such notice. Applicants acknowledge the Examiner's statement that Ferrier '437 does not explicitly teach associating a shipment tracking identifier with an item and that other evidence would be relied upon in the Office Action.

Applicants' undersigned attorney appreciates the Examiner providing additional discussion of citations to the Ferrier reference and further explanation of the rejection.

Applicants note that Ferrier in paragraph 0071 provides that the pay online option and deliver elsewhere or without recipient presence (instead of courier collect), requires prepayment. Thus, the transaction value is zero and no payment is processed upon delivery. For example, no money is held in escrow when the package is delivered to a location where no one will be present. The item is paid for without the escrow mechanism being utilized. Accordingly, one of skill in the art would not make the combination suggested by the Examiner because in that situation the payment is made before shipping. As previously established, and as in the prior COD system, the other option in Ferrier '437 as described in paragraph

0064 requires having the courier collect payment from the recipient as a condition precedent of delivery if the recipient happens to be home when the item is delivered.

Here, Applicants have disclosed as system that has delivery as the condition precedent to payment release. Because the system positively recites using the shipment tracking data to determine delivery, the recipient need not be present and the recipient need not be the payor. Accordingly, the system disclosed by Applicants includes several advantages over the prior art.

Dependent claims 4-11 are patentable over the cited reference for at least the reasons described above with reference to the associated independent claim and any intervening claims.

Similarly, amended independent claim 23 recites:

23. An apparatus for authorizing payment upon delivery of an item to a destination comprising:
 means for registering each one of a plurality of receiving parties with a transaction database;
 means for registering each one of a plurality of sending parties with the transaction database;
 means for generating a shipment tracking identifier for use with a shipping system;
 means for generating a shipping label for use in delivering the item including the shipment tracking identifier for use with a shipping system;
 means for associating the shipment tracking identifier with a particular sending party, a particular receiving party and the item;
 means for obtaining debit information that is authorized to use for payment of the item and associated with a selected account from the particular sending party;
 means for storing data relating to the identifier, the debit information and the particular sending party in the transaction database;
 means for then obtaining shipment tracking identifier data at a destination location from the shipping system indicating that the item has arrived at the destination;
 means for correlating the shipment tracking identifier data to the particular sending party and the item; and
 means for then obtaining the previously stored debit information and authorizing a debit associated with the item from [[a]]

the selected account associated with the particular receiving party to a selected account of the particular sending party.

(emphasis added).

With respect to claims 28-30, Applicants respectfully submit that the cited portions of the references apparently do not teach or fairly suggest such configurations.

Dependent claims 26-34 are patentable over the cited reference for at least the reasons described above with reference to the associated independent claim and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

Claims 2-3 and 24-25 are in the case and stand rejected under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent Application Publication No. 2005/0177437A1 by Ferrier ("Ferrier '437") in view of U.S. Patent Application Publication No. 2002/0120475A1 by Morimoto ("Morimoto '475") and further in view of U.S. Patent Application Publication No. 2003/0144871A1 by Turbeville, et al. ("Turbeville '871") and in further view of U.S. Patent No. 7,080,044 to Cordery, et al. ("Cordery '044").

Applicants respectfully disagree with the rejection. The dependent claims are patentable over the cited references for at least the reasons described above with reference to the associated independent claim and any intervening claims.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

Accordingly, Applicants respectfully submit that claims 1-11 and 23-34 are in condition for allowance.

3. Conclusion Of Remarks

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

4. Authorization

No fee is believed due with this Amendment. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-715.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-715.

Respectfully submitted,
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